

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

DAISY CANALES, <i>et al.</i> ,)	
)	
Plaintiff,)	
)	
v.)	Civil Action Number 5:22-cv-450
)	
CHANO AND SONS, INC., <i>et al.</i> ,)	
)	
Defendants.)	

**DEFENDANT CHANO AND SONS, INC.’S
NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Chano and Sons, Inc. (“CSI”) removes this case from the 131st Judicial District Court of Bexar County, Texas, where it is currently pending as No. 2022CI05450, to the United States District Court for the Western District of Texas, San Antonio Division. As grounds for removal, CSI states:

1. On March 24, 2022, Plaintiffs Daisy Canales, Hugo Canales, Omar Rico, and Alexis Bautista (“Plaintiffs”) commenced this action by filing their original petition in Bexar County, Texas (the “Original Petition”).
2. The Original Petition names CSI and Anchor Packaging, LLC (“Anchor”) as defendants (collectively, “Defendants”).

3. The Original Petition purports to allege the following federal claims: (1) Fair Labor Standards Act (“FLSA”) claims pursuant to 29 U.S.C. §§ 216(b) and 207(a), and a claim under the False Claims Act, 31 U.S.C. § 3730(h)(1) (“FCA”)

4. The Original Petition also purports to allege state law claims for: (1) wage theft, fraud, and breaches of contract, and (2) negligent misrepresentation.

5. CSI removes this case on the basis of federal question jurisdiction pursuant to 28 U.S.C. § 1331 based on plaintiffs’ federal FLSA and FCA claims. In short, Plaintiffs’ action is subject to removal because Plaintiffs seek to recover pursuant to a claim or right “arising under the [] laws[] . . . of the United States.” 28 U.S.C. § 1331. As such, this case invokes the Court’s original federal question jurisdiction under 28 U.S.C. § 1331 and, therefore, it is properly removable pursuant to 28 U.S.C. § 1441(a).

6. The state-law claims brought by Plaintiffs are so related to Plaintiffs’ federal FLSA and FCA claims that they form part of the “case or controversy” within the meaning of Article III of the United States Constitution. As such, the Court has supplemental jurisdiction over Plaintiffs’ state-law claims pursuant to 28 U.S.C. § 1367(a).

7. Venue is proper in the Western District of Texas under 28 U.S.C. § 1441(a) because the state court where the action has been pending is located in this district.

8. CSI was served with the complaint on April 12, 2022. Accordingly, this notice of removal is timely filed pursuant to 28 U.S.C. § 1446(b)(3) within 30 days of CSI's formal service of the petition.

9. Anchor was formally served on April 12, 2022. Anchor also desires to have Plaintiffs' petition removed and has therefore expressly consented to the removal of this action. Attached to this notice of removal is Anchor's consent to removal (Ex. A). Thus, all named and served defendants have joined in or consented to removal of this action in compliance with 28 U.S.C. § 1446(b)(2)(A).

10. In accordance with 28 U.S.C. § 1446(a), CSI has attached to this notice of removal a true and correct copy of all process, pleadings, and orders which were served upon it while this action was pending in the 131st Judicial District Court of Bexar County, Texas (Ex. B). Additionally, in accordance with 28 U.S.C. § 1446(d), CSI has promptly provided written notice to all adverse parties of the removal of this case (Ex. C) and will file a copy of this notice of removal with the Clerk of the 131st Judicial District Court of Bexar County, Texas (Ex. D).

11. As demonstrated above, CSI and Anchor have satisfied all of the requirements for removal prescribed by 28 U.S.C. §§ 1441 and 1446. If any question arises as to the propriety of the removal of this case, CSI respectfully requests the opportunity to present a brief and oral argument in further support of this notice of removal.

WHEREFORE, CSI respectfully requests the Court to accept removal jurisdiction over this case and to enter such orders as may be appropriate to effect its removal from the 131st Judicial District Court of Bexar County, Texas, to the United States District Court for the Western District of Texas, San Antonio Division.

/s/ Henry B. Gonzalez III

Henry B. Gonzalez III

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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of May, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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